

## CURRICULUM VITAE

### ALICE ZHENG

#### PROFESSIONAL AND EDUCATIONAL BACKGROUND

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Admitted as a barrister in May 2018.

Prior to being admitted to the Bar, Alice was a Senior Associate within the Commercial Litigation team at Clayton Utz (2011 to 2018), the Tipstaff to the Hon. Justice Ward in the NSW Supreme Court (2012) and a lecturer and tutor at the University of Sydney (Public Law and Federal Constitutional Law, 2011 to 2016).

Alice graduated with an LLM (Class 1) from the University of Cambridge (2014 to 2015, with the Gareth Jones Prize for Restitution and the Jesus Foundation Scholarship) and an LLB (Hons 1) (2005 to 2010) from the University of Sydney.

#### PRACTICE AREAS

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- Commercial and corporations law
- Regulatory proceedings
- Insurance
- Equity
- Class actions
- Civil actions for white collar crime and fraud
- Consumer law
- Public and administrative law
- Contractual disputes

#### SELECTION OF RECENT APPEARANCES AS COUNSEL

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##### **High Court of Australia**

###### ***Potts v National Australia Bank Limited* [2023] HCA 41**

Appeared for appellant on questions regarding misleading or deceptive conduct and proportionate liability, led by N Hutley SC (1 day), instructed by Hall&Wilcox.

##### **Federal Court of Australia**

###### ***Portia & Scarlett LLC & Anor v Vlahos & Anor* (NSD507 of 2024)**

Proceedings seeking interlocutory injunctions for breach of s 183 of the *Corporations Act* and tortious interference with contractual relations. Led by Ian Neil SC and instructed by Clayton Utz.

###### ***ASIC v Nuix & Ors* (NSD 827 of 2022)**

Proceedings brought by ASIC alleging a breach of s 180(1) of the *Corporations Act* by failing to cause Nuix to comply with Nuix's continuous disclosure obligations immediately following Nuix's IPO. Led by N Hutley SC and instructed by Jones Day

###### ***Cody Gemtec v Lloyds and Strand Fitness v QBE* (NSD637 and 638 of 2021)**

Appeared for applicants in two class action proceedings on applications under s 33N of the FCA Act 1976 brought by Lloyds and QBE (ongoing). Led by D Mitchell and instructed by Gordon Legal.

***Carter v Chubb Insurance Australia Limited (Proceedings NSD437&448 of 2022)***

Claim concerned allegations of insurance fraud arising from concealment of wide-scale bribery scheme perpetrated by CEO of Orix Australia Corporations Limited. Reserved. Appeared for the respondent (Chubb), led by M Jones SC and instructed by Gilchrist Connell.

***Carter v Orix Australia Corporation Ltd [2022] FCA 784***

Interlocutory application for strike out and summary judgment. Appeared for the respondent, led by D Williams SC and P Bolster and instructed by Clayton Utz.

***Maxi EFX Global Pty Ltd v ASIC [2021] FCAFC 59***

Full Court appeal against order made under s 70(3) of the *Australian Securities and Investments Commission Act 2001* (Cth). Appeared led by D Thomas SC for the Respondent, instructed by Clayton Utz.

***ASIC v Maxi EFX Global AU Pty Ltd [2020] FCA 1263***

Federal Court hearing concerning statutory construction of s 33 of the *Australian Securities and Investments Commission Act 2001* (Cth) and whether relief should be granted under s 70 of the same Act. Appeared led by D Thomas SC for the Applicant, instructed by Clayton Utz.

***Binqld Finances Pty Ltd (in liq) v Israel Discount Bank Limited [2020] FCA 1208***

Federal Court hearing concerning service of originating process outside of jurisdiction under *Federal Court Rules 2011* and whether permanent stay ought to be granted on the basis of *forum non conveniens*. Appeared led by P Brereton SC, J Arnott and B Mostafa for Plaintiffs, instructed by Clayton Utz.

***BCI Finances Pty Limited (in liq) v Binetter [2018] FCAFC 189***

Full Court appeal concerning breaches of directors' fiduciary duties and *Barnes v Addy* liability of various corporate respondents. Appeared led by J Arnott and B Mostafa for companies in liquidation, instructed by Clayton Utz.

***ASIC v Westpac Banking Corporation (No 2) [2018] FCA 1984***

Application for a separate question on issues of statutory construction under the *National Consumer Credit Protection Act 2009* (Cth). Appeared led by J Clarke SC for the Applicant, instructed by ASIC.

***ASIC v Westpac Banking Corporation [2018] FCA 1733***

Federal Court hearing on penalty and orders. Appeared led by K Stern SC and S Patterson for the Applicant, instructed by ASIC.

**Supreme Court of New South Wales**

***QBT Pty Ltd v Wilson [2024] NSWCA 114***

Appeared for successful respondent in appeal on question of "correction" of contract by interpretation. Led by D Williams SC and instructed by Buchanan Rees Dispute Lawyers.

***Wilson & Ors v QBT Pty Limited (No 2) [2024] NSWSC 62***

Costs judgment following principal judgment. Issues regarding appointment of costs and approach to "ordering otherwise" for an Offer of Compromise made under the *UCPR*.

***Wilson & Ors v QBT Pty Limited [2023] NSWSC 1255***

Commercial List proceedings concerning contractual interpretation and unconscionable conduct, led by D Williams SC and instructed by Buchanan Rees Dispute Lawyers.

***State of New South Wales v Richardson (Final)* [2023] NSWSC 1048**

Application under the *Terrorism (High Risk Offenders) Act 2017* (NSW), led by J Emmett SC appearing for the State, instructed by the CSO.

***State of New South Wales v Richardson (Preliminary)* [2023] NSWSC 803**

Application under the *Terrorism (High Risk Offenders) Act 2017* (NSW), led by S Callan SC appearing for the State, instructed by the CSO.

***State of New South Wales v Hardy (Preliminary)* [2022] NSWSC 1724**

Application for extended supervision orders under the *Terrorism (High Risk Offenders) Act 2017*. Appeared led J Emmett SC for the State of NSW, instructed by CSO.

***DSHE Holdings Ltd (in liq) v Potts (No. 2)* [2022] NSWCA 258**

Hearing on costs following principal appeal judgment.

***DSHE Holdings Ltd (in liq) v Potts; HSBC v Abboud; Potts v National Australian Bank Ltd* [2022] NSWCA 165**

Three appeals arising from Dick Smith proceedings heard concurrently. Appeared in all three proceedings for Mr Potts, led by Scott Nixon SC and instructed separately by Clayton Utz (in three proceedings) and Hall & Wilcox (in one proceeding).

***Sleiman v Lebanese Moslem Association* (NSWSC proceeding no. 2021/292473)**

Application under s 274A of the *Corporations Act*, raising issues of abuse of process, estoppel and *res judicata*, appeared led by M Painter SC for defendant, instructed by Birchgrove Legal.

***In the matter of ORIX Australia Corporation Limited* [2022] NSWSC 577**

Motion resisting access to documents. Appeared for the plaintiff, led by D Williams SC and P Bolster and instructed by Clayton Utz.

***DSHE Holdings v Abboud & Anor; NAB v Abboud & Anor* [2022] NSWSC 91**

Hearing on costs and stay applications following principal judgment.

***DSHE Holdings v Abboud & Anor; NAB v Abboud & Anor* [2021] NSWSC 673**

Hearing in the Commercial List concerning claims arising from the collapse of the Dick Smith Group for breaches of director's duties under the *Corporations Act 2001* (Cth) and misleading or deceptive conduct under the *Australian Consumer Law, Corporations Act 2001* (Cth) and *Australian Securities and Investments Commission Act 2001* (Cth). Appeared led by S Nixon SC for Mr Potts (respondent in all four proceedings), instructed separately by Clayton Utz (in three proceedings) and Hall & Wilcox (in one proceeding).

***State of NSW v Ibrahim* [2021] NSWSC 793**

Application for extended supervision orders under the *Terrorism (High Risk Offenders) Act 2017*. Appeared led by K Stern SC for the State of NSW, instructed by CSO.

***Choi v Ombudsman NSW* [2021] NSWCA 68**

Appeal in NSW Court of Appeal concerning validity of orders made appointing guardians ad litem pursuant to s 45(4)(a) of the *Civil and Administrative Tribunal Act 2013* (NSW). Appeared unled for Attorney-General (NSW) (as amicus curiae), instructed by CSO.

***In the matter of ORIX Australia Corporations Limited* [2020] NSWSC 1770**

Motion for strike-out of pleadings. Appeared led by P Bolster for the Plaintiff (respondent on the motion), instructed by Clayton Utz.

***In the matter of Milgerd Nominees Pty Ltd and others* [2019] NSWSC 311**

Proceedings in the Corporations List for applications made under ss 459A, 477(2B) and 1322 of the *Corporations Act 2001* (Cth). Appeared unled for the Plaintiff, instructed by Eakin McCaffery Cox.

***Crown Sydney Property v Barangaroo Delivery Authority; Lendlease (Millers Point) v Barangaroo Delivery Authority [2018] NSWSC 1931***

Hearing in the Commercial List concerning a complex commercial contract dispute; issues concerning contractual construction, and alleged breaches of express and implied terms of good faith. Appeared led by A Bannon SC, S Nixon SC and J Arnott for the Defendant in both proceedings, instructed by Clayton Utz.

***Rogers v The Independent Liquor and Gaming Authority (No 2) [2018] NSWSC 1177***

Hearing in NSWSC of application for judicial review of a licensing decision under *Liquor Act 2007* (NSW). Appeared led by S Robertson for the Second Defendant (the Authority), instructed CSO.

***Rogers v The Independent Liquor and Gaming Authority [2018] NSWSC 1014***

Motion in Supreme Court seeking urgent injunctive relief to stay decision of the Authority. Appeared led by S Robertson for Second Defendant (respondent on the motion), instructed by CSO.

***Timmins v Binetter & Anor (unreported, NSWSC, Lindsay J, 13 December 2018)***

Motion for extension of caveat in NSWSC. Appeared unled for Second Defendant (respondent on the motion), instructed by Eakin McCaffery Cox.

**Tribunal Proceedings**

***FKZ v Children's Guardian [2023] NSWCATAD 169***

Appeared unled for the respondent (instructed by CSO) in 2-day NCAT administrative review of - day NCAT administrative review of decision under s 17 of the *Child Protection (Working with Children) Act 2012* (Act).

***Ireson & Anor v ILGA [2023] NSWCATAD 77***

Appeared unled for the respondent (instructed by CSO) in NCAT administration review of decision under s 49 of the *Liquor Act*, instructed by the CSO.

***FJL v Children's Guardian [2023] NSWCATAD 65***

Appeared unled for the respondent (instructed by CSO) in 1-day NCAT administrative review of interim decision under s 17 and final decision under s 15 of the *Child Protection (Working with Children) Act 2012* (Act).

***FGM v Children's Guardian [2022] NSWCATAD 403***

Review of refusal decision under the *Child Protection (Working with Children) Act 2012* (NSW). Appeared unled for the Respondent, instructed by the CSO.

***EON v Mid North Coast Local Health District [2022] NSWCATAD 113***

Review of conduct of a public sector agency under s 55 of the *Privacy and Personal Information Protection Act 1998* (NSW); interaction with *Mental Health Act 2007* (NSW). Appeared unled for the Respondent, instructed by CSO.

***Hickey v Secretary, Department of Education [2021] NSWCATAD 306***

Review of three decisions made under s 60(1)(a) of the *Government Information (Public Access) Act 2009* (NSW) by the Secretary, Department of Education. Appeared unled for the Applicant, instructed by Gilbert + Tobin.

***Sumer Child Care Pty Ltd v Secretary, Department of Education* [2021] NSWCATAD 42**  
Review of a licensing decision made under s 33 of the *Children (Education and Care Services) National Law* (NSW). Appeared unled for the Applicant, instructed by Birchgrove Legal.